

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated March 18, 2004.

Claims 1-6 stand rejected on grounds of anticipation by Kitamura (6,630,991). Reconsideration is requested, it being explicitly and vigorously asserted that although independent claims 1 and 4 have been amended, those amendments are directed to purely matters of claim form that improve the readability thereof. The original claim language clearly and unambiguously distinguishes over the cited prior art.

Independent claims 1 and 4, as originally worded and as amended herein, define a thermal processing apparatus that heats a substrate by irradiating the substrate with light. These claims describe and define a chamber in which the substrate is located, that chamber having a chamber window through which light can pass.

The apparatus also includes a lamp house with a lamp and an irradiation window that permits light from the lamp to pass through. In addition, the substrate chamber and the lamp house are assembled with one another so that they are "openable/closable" relative to one another.

Next, a locking mechanism allows the chamber and the lamp house to be fixed "to a closed state" -- i.e., to be locked with one another.

Lastly, a shielding plate is provided with the apparatus that serves twofold purposes. It is capable (in one position thereof) to shield the irradiation window of the lamp house and it is also capable of enabling the locking mechanism to be operated to allow opening of said chamber and said lamp house.

Independent claim 4 is more specific by reciting that the shielding plate performs one of its two functions by "covering", i.e., blocking access to the locking mechanism.

It is established beyond dispute in the patent law that a rejection based on anticipation requires complete identity between the claim language and the disclosure of the prior art.

The applicant's undersigned representative has carefully perused the text of the cited Kitamura reference and cannot discern in it anything regarding a locking mechanism that prevents removal of the portion of the described apparatus that houses the lamp from the portion that constitutes the substrate chamber. That alone negates the assertion of the instant claims being anticipated by the cited reference.

Similarly, the cited reference contains no disclosure about any shielding plate that is usable in one mode of operation of the apparatus to block access to the lamp within the lamp housing.

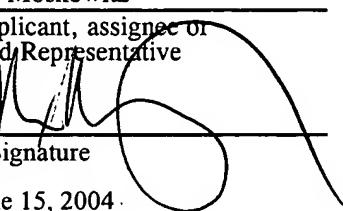
The assertion that a locking mechanism of the present invention as described at column 6, lines 10-15 of the cited reference, has been carefully scrutinized. However, the corresponding text does not, in fact, reveal anything that could be properly described as comprising a locking mechanism. Similarly, the Examiner's citation of column 7, lines 30-39 of this reference is not understood by applicant. The cited text does not describe or even refer to anything that is even remotely comparable to the shielding plate of the instant claims. Mention is made of a seal member 136. However, the element 136 shown in Figure 8 of this reference does not appear to have any nexus to the shielding plate of the present invention, which is intended to shield or cover the lamps.

Based on the foregoing, applicant respectfully submits that, other than the fact that the cited reference generally relates to an apparatus that irradiates a wafer with light, the overall subject matter of independent claims 1 and 4 is not disclosed in the cited reference.

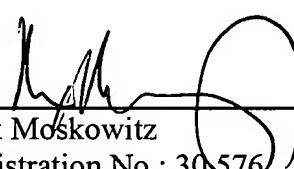
The remaining dependent claims incorporate the limitations of their base claims and recite further elements and features that places them even further apart from the prior art. As such, all of the claims in the application are clearly patentable thereover.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 15, 2004

Max Moskowitz
Name of applicant, assignee or
Registered Representative

Signature
June 15, 2004
Date of Signature

Respectfully submitted,


Max Moskowitz
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700